

2/3/2025 12:23 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KRISTINA S. HEUSER,

Plaintiff,

-against-

CITY OF GLEN COVE and RICHARD J.
MCCORD,

Defendants.

AZRACK, United States District Judge:

For Online Publication Only

ORDER

21-cv-2018 (JMA) (SIL)

Currently pending before the Court are motions to dismiss filed by Defendants City of Glen Cove and Richard J. McCord. These motions had previously been referred to Magistrate Judge Steven I. Locke for a Report and Recommendation. On June 30, 2023, Judge Locke issued a Report and Recommendation (“R&R”), which recommends that Defendants’ motions be granted, that the Complaint be dismissed with prejudice, and that Plaintiff be denied leave to amend her Complaint. (ECF No. 34.)

In reviewing a magistrate judge’s report and recommendation, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

The Court previously adopted the R&R without prejudice because the Court did not have a record of receiving Plaintiff’s objections to the R&R. Subsequently, Plaintiff filed her objections

along with a screenshot indicating that she had previously submitted her objections electronically. The Court considers Plaintiff's objections to have been timely filed and considers those objections on the merits.

I have undertaken a de novo review of the record, the R&R, Plaintiff's objections, and Defendants' opposition briefs. Plaintiff's objections are overruled. The Court adopts the R&R, grants Defendants' motions to dismiss, denies Plaintiff leave to amend, and dismisses Plaintiff's claims with prejudice.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: February 3, 2025
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE